

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

02 CR 0812 (NG)

Plaintiff,

-against-

ORDER

MAMADOU BARRY,

Defendant.
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GERSHON, United States District Judge:

Pursuant to the mandate issued by the Court of Appeals for the Second Circuit on July 6, 2005, this case has been remanded for further proceedings in conformity with *United States v. Booker*, ___ U.S. ___, 125 S.Ct. 738 (2005), and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005). As set forth in *Crosby*, in determining whether to resentence defendant, the court will consider if, under the circumstances existing at the time that the original sentence was imposed, the original sentence would have been materially different had the United States Sentencing Guidelines been only advisory.

Defendant is hereby directed to serve and file papers by August 11, 2005 addressing whether a resentencing should be ordered. The government is directed to serve and file a response by September 1, 2005.

SO ORDERED.

/S/
NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
July 21, 2005